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Serial No. 09/754,891

Remarks

Claims 1-28 and 30 stand rejection under 35 U.S.C. § 102(b) as being anticipated by a document entitled "e"speak Tutorial, Version: Beta 2.2, December, 1999 (hereinafter the "prior art document").

With this paper claims 3, 10 and 17 have been deleted. Claims 1, 8 and 15 have been amended to recite the limitations of now canceled claims 3, 10, 17. Similar amendments have been made to claim 22. Further, the language "configured for" has been removed from claims 1, 2, 6 and 7. The limitations "computer-readable program code to ***," found in claims 1, 2, 6 and 7, are not § 112, ¶ 6 limitations.

MPEP § 1206 states:

Amendments filed after the filing of a notice of appeal, but prior to the date of filing a brief, may be admitted only to:

(A) cancel claims;

(B) comply with any requirement of form expressly set forth in a previous action;

(C) present rejected claims in better form for consideration on appeal;

This paper cancels claims 3, 10 and 17. Further, this paper reduces the issues for consideration on appeal due to the cancellation of claims 3, 10 and 17 and, hence, presents the rejected claims in better form for consideration on appeal.

It is also noted that § 1206 of the MPEP further states:

Amendments filed on or after the date of filing a brief pursuant to 37 CFR 41.37 may be admitted only to:

(B) rewrite dependent claims into independent form.

Rewriting dependent claims into independent form as permitted under 37 CFR 41.33(a)(2) includes the following situations:

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(B) rewriting an independent claim to incorporate therein all the subject matter of a dependent claim, canceling the dependent claim and in conjunction therewith changing the dependency of claims which had depended from the dependent claim being canceled to the amended independent claim that incorporates therein all the subject matter of the now canceled dependent claim.

As is apparent from the above section of the MPEP, an applicant is permitted to cancel a dependent claim and incorporate its limitations into an independent claim in an amendment filed after the filing of an Appeal Brief. Hence, it is respectfully submitted that an applicant should be able to cancel a dependent claim and incorporate its limitations into an independent claim prior to the filing of an appeal brief.

For these reasons, entry of this paper is respectfully requested.

Independent claim 1 recites, in part:

computer-readable program code to read a specification of an e-business service, wherein the specification is encoded in a structured markup language; and

computer-readable program code to process the specification to carry out the e-business service, further comprising:

computer-readable program code to receive at least one input document for the e-business service, wherein the at least one input document is encoded in a structured markup language; and

computer-readable program code to perform at least one of: transforming the input documents into other documents, according to transformation information that may be provided in the specification, and operating upon the input documents or the other documents to create one or more new documents, according to operating actions that may be provided in the specification.

Independent claims 8, 15 and 22 include similar recitations.

Independent claim 27 recites, in part:

providing at least one application definition document encoded in a structured markup language, wherein the application definition

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documents specify the interactions and at least one data input to be used in the interactions, and wherein details of the specified interactions and data inputs are specified in the structured markup language; and processing the application definition documents to carry out the data and process interactions in response to receiving at least one separate input document containing the at least one data input

On page 4, the Office Action defines "specification" as comprising interfaces "ListenerIntf" and "DistributorIntf," which interfaces are set out at the top of page 36 of the prior art document. However, the specification or any application definition document disclosed in the prior art document is not encoded in a structured markup language, as required by claims 1, 8, 15, 22 and 27. Rather, the specification is written in Java programming language. Providing an e-business service specification or application definition document encoded in a structured markup language, i.e., in a universal exchange format, is believed to be advantageous as the specification or application definition document is independent of and not limited by a particular programming language such as Java. Accordingly, it is submitted that the prior art document does not anticipate the subject matter recited in independent claims 1, 8, 15, 22 and 27 and their respective dependent claims.

Independent claim 23 recites, in part:

defining data inputs to be used by an e-business service;
defining interactions to be carried out when operating the e-business service;
specifying details of the data inputs in a structured markup language syntax;
specifying details of the interactions in the structured markup language syntax; and
creating at least one e-business service definition document separate from at least one input document containing the data inputs wherein the specified details of the data inputs and the specified details of the interactions are recorded in the at least one e-business service definition document.

Independent claim 25 recites, in part:

defining data inputs to be used by the application;
defining interactions to be carried out when operating the application;
specifying details of the data inputs in a structured markup language

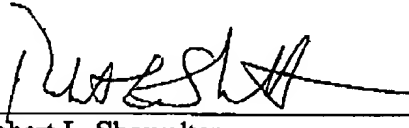
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syntax;
specifying details of the interactions in the structured markup
language syntax; and
creating at least one application definition document separate from at
least one input document containing the data inputs wherein the specified
details of the data inputs and the specified details of the interactions are
recorded in the at least one application definition document.

Nowhere does the prior art document disclose, teach or suggest specifying in structured markup language syntax details of interactions to be carried out when operating an e-business service or an application described by a finite state machine. Instead, it is believed that the prior art document discloses specifying in Java programming language details of interactions to be carried out when operating the E'speak application. It is advantageous to specify in structured markup language syntax details of interactions to be carried out when operating an e-business service or an application such that the details of interactions are provided in a universal exchange format. Accordingly, it is submitted that claims 23-26 define patentably over the applied prior art.

In view of the above remarks, applicants submit that claims 1, 2, 4-9, 11-16, 18-28 and 30 define patentably over the prior art. Early notification of allowable subject matter is respectfully requested.

Respectfully submitted,
Stevens & Showalter, L.L.P.

By 
Robert L. Showalter
Registration No. 33,579

7019 Corporate Way
Dayton, OH 45459-4238
Telephone: 937-438-6848
Fax: 937-438-2124
Email: rshowalter@sspatlaw.com